

**Views of John Conyers, Jr.**  
**HR 2844, the “Continuity in Representation Act of 2003”**

Several proposals have been introduced to address the difficult issue of congressional succession, the procedures that should be in place in the eventuality that a substantial number of Members must be replaced in a short period of time. Such an eventuality would likely be the result of a devastating national emergency, such as a large scale terrorist attack. Unfortunately, after September 11, such an attack is no longer unthinkable.

In addition to being difficult, this is a issue central to our democracy that places notions embodied in our Constitution at odds with one another. The Framers’ believed in a “people’s House,” directly responsive to the public because it is directly elected by the public. However, fundamental to the Constitution is also the necessity of checks and balances – ensuring that there will not be an unchecked Executive necessitates a constantly functioning Legislative branch. Thus, replacing a large number of House Members quickly may require forgoing or modifying existing procedures for direct elections. Resolving this constitutional quandary may require the preemption of state laws governing the time and manner of holding special elections, the appointment of congressional successors by a state executive, or the designation of successors by Members of Congress.

This bill attempts to preserve the system of direct election by making only minimal changes to state election laws and continuing to allow the public to elect the “people’s House.” The Chairman reached out to me to cosponsor the bill and, because of its goal of preserving direct election and my general opposition to amending the Constituon, I am an original cosponsor of the bill. Critics have made the argument that such minimal changes, however, may fall short of providing a workable solution. Among other things, they assert that 45 days would be an insufficient amount of time for most states to hold special elections and that the interim 45 days would be too long a period of time for the nation to be without a functioning House.

Critics have proposed Constitutional amendments that would provide for temporary appointments to the House and proposals to change House rules allowing for the admission of “emergency delegates” to the Committee of the Whole and the pre-designation of “interim successors” by Members. Each of these proposals has substantial merit. However, these proposals may be criticized as being too unwieldy to be passed by Congress. A Constitutional amendment, for example, requires the assent of 2/3 of the Congress and three-fourths of state legislators. This process is intended to be difficult and the Constitution is rarely amended.

Because of the very nature of this issue – ensuring a fair and nonpartisan process for succession – I believe it cries out for a bipartisan consensus and careful consideration. Unfortunately, to date, there are too many unanswered questions about this bill and too much opposition against it. I must, therefore, reluctantly conclude that there has been insufficient consideration and a resultant lack of consensus. I, therefore, voted against this bill in Committee and will continue to oppose it until a broader consensus is reached.

John Conyers, Jr.